



County of Los Angeles CHIEF EXECUTIVE OFFICE

713 KENNETH HAHN HALL OF ADMINISTRATION
LOS ANGELES, CALIFORNIA 90012
(213) 974-1101
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA
Chief Executive Officer

March 11, 2008

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**DEPARTMENT OF PUBLIC WORKS: APPROVAL OF REQUEST FOR
APPROPRIATION ADJUSTMENT TO THE ROAD FUND FOR SETTLEMENT OF
LEBARRON, ET AL., V. COUNTY OF LOS ANGELES LAWSUIT
(ALL SUPERVISORIAL DISTRICTS)
(3 VOTES)**

IT IS RECOMMENDED THAT YOUR BOARD:

Approve the Request for Appropriation Adjustment transferring \$975,000 from the Fiscal Year 2007-2008 Road Fund's Services & Supplies appropriation to the Road Fund's Other Charges appropriation for settlement of the above-entitled action.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Upon your Board's authorization of settlement of the above-entitled action in the amount of \$975,000, the recommended action is to provide the funds necessary to pay the settlement by approving the attached Request for Appropriation Adjustment transferring \$975,000 from the Fiscal Year 2007-2008 Road Fund's Services & Supplies appropriation to the Road Fund's Other Charges appropriation for the litigation settlement.

The settlement request and a summary of the facts of the case are submitted separately in the letter from the Claims Board.

Board of Supervisors
GLORIA MOLINA
First District

YVONNE B. BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

Implementation of Strategic Plan Goals

The County Strategic Plan directs that we provide Fiscal Responsibility (Goal 4). The approval of the appropriation adjustment will make funds available to pay the settlement with the LeBarrons. The settlement will avoid further litigation expenses and avoid a potential adverse verdict should the case proceed to trial. The settlement was approved by the Claims Board on February 4, 2008.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

The funds necessary for the appropriation adjustment are available in the Fiscal Year 2007-2008 Road Fund Services & Supplies appropriation. Upon your Board's approval of the attached Request for Appropriation Adjustment, sufficient funding will be available in the Fiscal Year 2007-2008 Road Fund Budget appropriation for Other Charges for the cost of this litigation settlement.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

On March 3, 2004, Mr. LeBarron was riding his bicycle on Crown Valley Road when he struck an asphalt berm surrounding a concrete catch basin. He was thrown from his bicycle and suffered a serious head injury. Plaintiff alleged that the placement of the catch basin was in an unsafe location in the roadway, that it intruded into the travel lane, and that traffic controls and markings were required to warn of the potential hazard. The County denies that a dangerous condition existed and that the catch basin was reasonably and properly posted with reflective markers. The case was mediated twice and resulted in a mediator's proposal of \$975,000. The settlement calls for the County to pay \$975,000 to settle all claims in the case. Potential damages, should the case proceed to trial, could exceed this amount.

ENVIRONMENTAL DOCUMENTATION

The proposed appropriation adjustment is not related to a project and is exempt from the provisions of the California Environmental Quality Act (CEQA) Guidelines, in accordance with Section 15378 (b)(5). This section stipulates organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, is not a project.

The Honorable Board of Supervisors
March 11, 2008
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IMPACT ON CURRENT SERVICES (OR PROJECTS)

Funding claim and litigation settlement payments reduce the funds available to finance other road services we provide to County residents.

CONCLUSION

Please return one adopted copy of this letter to the Department of Public Works, Mapping & Property Management Division.

Respectfully submitted,



WILLIAM T. FUJIOKA
Chief Executive Officer

WTF:DLW
PAP:mr

Attachment

c: Auditor-Controller (Accounting Division-Asset Management)
County Counsel
Department of Public Works (Budget/Fund Management, Programs Development)

REQUEST FOR APPROPRIATION ADJUSTMENT
DEPARTMENT OF PUBLIC WORKS

NO. 690

January 31, 2008

AUDITOR-CONTROLLER.

THE FOLLOWING APPROPRIATION ADJUSTMENT IS DEEMED NECESSARY BY THIS DEPARTMENT. WILL YOU PLEASE REPORT AS TO
 ACCOUNTING AND AVAILABLE BALANCES AND FORWARD TO THE CHIEF ADMINISTRATIVE OFFICER FOR HIS RECOMMENDATION OR
 ACTION.

ADJUSTMENT REQUESTED AND REASONS THEREFOR

FISCAL YEAR 2007-08
3-VOTE BUDGET ADJUSTMENT

SOURCES

PW - Road Fund
 B03-PW-2000-47000
 Services and Supplies
 DECREASE APPROPRIATION

975,000

USES

PW - Road Fund
 B03-PW-5500-47000
 Other Charges
 INCREASE APPROPRIATION

975,000

\$975,000\$975,000JUSTIFICATION

This adjustment is necessary to provide sufficient appropriation in Other Charges to cover Claims Board settlements in the Road Fund.

(Control No. 08-13)

Donald L. Wolfe
 DONALD L. WOLFE, Director

CHIEF ADMINISTRATIVE OFFICER'S REPORT

REFERRED TO THE CHIEF
 ADMINISTRATIVE OFFICER FOR—

ACTION

APPROVED AS REQUESTED

AS REVISED

AUDITOR-CONTROLLER

BY *John J. [unclear]*

APPROVED (AS REVISED):
 BOARD OF SUPERVISORS

R. [unclear] for BF
 CHIEF ADMINISTRATIVE OFFICER

NO. *151**Feb 12 2008*

BY

DEPUTY COUNTY CLERK